

BE IT REMEMBERED THAT the Crook County Court met in Open Session and in a joint session with the City of Prineville City Council on December 17, 2014 at 6:00 p.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon, 97754. In attendance were: County Judge Mike McCabe; County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

Members of the public and City Council members signing the attendance log were: City of Prineville Mayor Betty Roppe; Darlene Harpster, Prineville; Craig Kilpatrick, Redmond; Gail Merritt, City Council; Steve Uffelman, City Council, Dean Noyes, City Counsel; Jason Carr, City Council; County Treasurer Kathy Gray; Carl Dutli, Counsel, City of Prineville; Jane and Gordon Aggers, Prineville; Doug Frazier, Prineville; Bill Mintiens, Prineville; Candi Fronk, Auditor, Bend; Margi Heater, Auditor, Bend; Kris Williams, Crook County Health Department; Human Resources Director Stephanie Blind; Alyssa Speece, Crook County Health Department; Penny Pritchard, Deschutes County Health Services; Camille Wood, County Library Director; Steve Forrester, Manager, City of Prineville and Holly Hanes, Library Trustee.

The media was notified of the meeting.

Judge McCabe asked City Councilor Dean Noyes to lead the Pledge of Allegiance.

Judge McCabe asked for a moment of silence in honor of Jerry Crafton. Mr. Crafton recently passed away. He had served the community as a past County Commissioner and currently had been serving as a County Planning Commissioner.

Judge McCabe called the meeting to order with all members of the Court present. Mayor Betty Roppe called the City Council meeting to order.

The purpose of the joint City/County meeting was to hold a public hearing on the Urban Growth Boundary (UGB) Expansion, Plan amendment, zone change and annexation of County property into the City of Prineville.

Public Hearing

Phil Stenbeck, City of Prineville Planning Director, explained procedurally the steps that needed to be taken in the discussion to approve expansion of the UGB, the Comprehensive Plan amendment; annexation of County property into the City of Prineville and rezoning. There will be a zone change request, from County EFU, land justification; proof of need, available utilities and the subject site being the best for expansion at this time.

County Assistant Planner Ann Beier provided the information on County required criteria: The zoning, the impact and serving the interest of the County by being available to bring in businesses for economic development.

County Planning Director Bill Zelenka added information for the record regarding the proper notices that were sent to the State of Oregon for comment and no comments were received back. He then explained requirements of the city-county agreement and the zoning of the property.

Mr. Stenbeck said the city received two comments, one from Ochoco Irrigation District with no concerns with the application and one from US Fish and Wildlife indicating a raptor nest was in the area. Mr. Stenbeck stated that response was sent to US Fish and Wildlife that the nest does not prohibit

development and will be addressed at the time of development. It may affect the blasting schedule or other activities creating loud noise during development.

Phil Stenbeck reviewed the process so far. The City and County Planning Departments have held their separate meetings and a joint meeting. Now both Crook County and the City of Prineville choose to move forward. The County will move forward with annexation to the City. The City will move forward with light industrial zoning.

Mr. Stenbeck outlined the motions needing to be made by both City and County and individually by County only and City only. Mayor Roppe discussed the City of Prineville process up to this point.

Judge McCabe opened the public hearing and explained that the property purposed for annexation and rezoning is a property that in the 1970's was brushed along with a lot of other properties on the map of the County as exclusive farm use (EFU) designations. This property is not at all suitable for EFU zoning and is a non-production property.

Public Testimony

Jim Waetjen, Prineville, asked about this possibly affecting the airport runway, clear and hazard zones and the process of creating the Airport Master Plan. Planning Director Bill Zelenka explained where the FAA zoning ends and where this property is located. Mr. Stenbeck provided a map showing the area. There will not be a conflict.

Craig Kilpatrick, 13790 NW O'Neil Hwy, Land Use consultant, voiced support of the change and said it would make a more available opportunity for business and development. The County may wish to revisit the "broad brush" land use designation of EFU that occurred in the 70's and that it is not only the County doing this type of application. Private property owners will likely be following, and he hoped they would have the safe support that this application will get.

Discussion was held regarding the annexation of the property into the City and the type of zoning increasing land availability for use in the City.

The Court thanked the Planning Departments and showed their support and appreciation for all the hard work on this project.

There being no further comments from the public, Judge McCabe closed the public hearing.

Actions

Ordinance No. 1210—expanding the Prineville Urban Growth Boundary, Amending the Comprehensive Plan Map and Zoning Map and Declaring an Emergency—First and Second reading

Mayor Roppe stated that she was open to a motion to approve Ordinance No. 1210, expanding the Prineville Urban Growth Boundary, amending the Comprehensive Plan Map and Zoning Map and declaring an emergency.

Motion

Councilor Noyes moved to approve City of Prineville Ordinance No.1210. Councilor Uffelman seconded the motion. The vote was unanimous, motion carried.

Mr. Wilson provided direction to the County Court on the next steps to be taken starting with a motion to be made at this meeting that at the next regularly scheduled County Court meeting on January 7th, 2015, two ordinance readings for amending the zone map to correspond with the Comprehensive Plan Map and Zoning Map as approved by the city will be held.

Motion

Commissioner Crawford moved to schedule two readings of the County Ordinance at the January 7, 2015 County Court meeting regarding the changes as were approved by the City at this meeting. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Mayor Roppe asked for a second reading of Ordinance No. 1210.

Motion

Councilor Uffelman moved to approve City of Prineville Ordinance 1210 on second reading. Councilor Carr seconded the motion. There was no discussion. The vote of the Council was unanimous, motion carried.

City Resolution No. 1249—Annexing certain property into the City of Prineville

Mr. Stenbeck explained the purpose of Resolution No. 1249, annexation of County property into the City of Prineville.

Motion

Councilor Uffelman made a motion to approve Resolution 1249. Councilor Carr seconded the motion. The vote was 3-0, motion carried.

Mr. Zelenka stated that the County Ordinance would become effective on the day after the passage of the ordinance.

Commissioner Crawford stated that he and Mayor Roppe would like the City and County to meet again in a joint meeting within the next two months to discuss Economic Development.

Councilor Carr said that would be fine but EDCO should be involved and David Arrow should also be involved. A workshop was suggested and everyone was in agreement on holding a workshop.

Councilor Carr explained that there is an EDCO regional plan, and then there is also through EDCO a local Plan.

Ordinance No. 1209—Amending Chapter 38 of the Code of Prineville by adding regulations regarding Electronic Delivery devices Including E-Cigarettes—Second Reading.

Mayor Roppe explained that the City is doing a second reading on this Ordinance No. 1209 and there is not a public hearing.

Motion

Councilor Merritt moved to approve the second reading of Ordinance No. 1209, Amending Chapter 38 of the Code of Prineville. Councilor Noyes seconded the motion. The vote was unanimous, motion carried.

There being no further business before the City of Prineville City Council, Mayor Roppe adjourned the meeting for the City of Prineville.

A brief break was taken while the City Council left the County meeting room.

County Auditors, Harrigan Price Fronk & CO. LLP presentation

Candi Fronk and Margie Heater of Harrigan Price Fronk and Co.LLP presented information on the County audit done this year. Ms. Front said the audit went well and there were not a lot of changes. Treasurer Kathy Gray had drafted much of the information. Ms. Fronk discussed the issues of a short list of departments being over in their funds. None were over in the employee funding. She discussed general gap knowledge, segregation of duties, the schools and roads program, medical assistance program and doing a good job with appropriate spending.

The depreciation schedule is a work in progress. This year, the policy was changed to list only items with a value of \$5,000 or more in the schedule. That will make management of the list more in control.

Ms. Fronk discussed suggested changes in some of the offices regarding the procedures for cash receiving and depositing, and for depositing to be done more frequently

Ms. Fronk said they are just wrapping up the Extension and Vector Control audits and the Solid Waste reports that go into DEQ.

Ms. Fronk discussed the carry over as pretty light. She suggested enough in the carryover to cover three or four month's operations. The Reserve Fund is good. Ms. Front discussed the fair value of County investments, market value of bonds, local government investment funds, post-employment benefits and COBRA premiums.

The Court thanked Ms. Fronk and Ms. Heater for the report.

Roger Lee, EDCO and Caroline Ervin, new Prineville/Crook County EDCO Director

Roger Lee, Executive Director of Regional EDCO and Caroline Ervin, new EDCO Director for the Prineville/Crook County area presented a handout to the Court member with their new message of Move-Start-Grow. Mr. Lee provided information on 11 companies coming into the region with one, Buck Stop Truck Works, coming into Crook County. He discussed Bridge Financing with 15 loans to companies that would not be able to get going otherwise. He listed the companies that have come into the Region and the number of people that are employed in those businesses. There are key projects such as Air

Service, Industry Groups, and Education through the expanded OSU Campus with school to Career Initiative, and marketing and business development.

Mr. Lee and the Court discussed the five enterprise zones and what is ahead with 2015. Crook County has the closure of Woodgrain Millwork; Bowman Dam Legislation Implementation; Department of Revenue and Data Center; Solar project and support of the Prineville Railway. Further discussion was held regarding the closure of Woodgrain Millwork.

The Court welcomed Caroline Ervin as the new Prineville EDCO Director.

Public Hearing, Ordinance 272, Second Reading; Prohibiting the sale of e-cigarettes to minors; prohibiting possession of e-cigarettes by minors; locating e-cigarettes within retail stores; prohibiting e-cigarette use within County enclosed spaces, breezeways, or access ramps; second reading public hearing, vote/ Eric Blaine

Eric Blaine provided information regarding the original reading of Ordinance 272 on November 5th, 2014, the City of Prineville passing their e-cigarette ordinance today at this meeting, the nebulizer issue and today's County modified version of Ordinance 272 before the Court for approval.

Motion

Commissioner Fahlgren moved to read Ordinance 272 by title only and to read also section 8.20.010 sub section 1. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 272 by title and also read section 8.20.010 sub section 1 regarding electronic delivery devices for medicines using vapor and for inhalation. The vote was 3-0, motion carried.

Judge McCabe opened the public hearing.

Kris Williams, County Health Department, reiterated the importance of the passage of this Ordinance 272. There has been a report of a recent death of a child due to ingesting e-cigarette liquid.

Discussion was held on the next steps of how to enforce the ordinance and the educational plans to put into place. The store owners will receive education regarding location of the e-cigarettes and supplies behind the counter. Mr. Blaine added that section 040 is modeled off the Oregon State prohibition statute for tobacco. The fines around the use and sale of e-cigarettes will range from \$500 to \$2000.

Penny Pritchard, Deschutes County, Tabaco Coordinator in Deschutes County thanked the County for this Ordinance 272 and said that Deschutes County is also interested in doing this as well. Further discussion was held regarding retailer environments and education.

Jim Waetjen asked about privately made products or distribution. Would the Ordinance pertain?

Mr. Blaine said that if someone were to privately try to sell their product, this ordinance would cover it. Commissioner Crawford added that this ordinance is to regulate sales and the use of the e-cigarettes in the buildings.

Discussion was held on taxing the products, business licenses and no grandfathering in.

There being no further comments, Judge McCabe closed the public meeting.

Motion.

Commissioner Fahlgren moved to approve Ordinance 272 as presented on the second reading. Commissioner Crawford seconded the motion. There was no additional discussion. The vote was 3-0, motion carried.

Mental Health Community Advisory Board, annual report, Steve Uffelman

Steve Uffelman, Chair of the Community Advisory Council for Mental Health and Alcohol presented the annual report of the Board. He provided information regarding the State review of Lutheran Community Services Northwest (LCSNW) that is 80 % met, the preliminary review that was very satisfactory and the Regional Collaboration of services. Recidivism is a continuing issue and greater intervention in the jail environment prior to release is planned. Discussion was held regarding the Crisis Group operated more by LCSNW than others and the employee base with greater availability to be available and reactive.

Discussion regarding Library job position classification

County HR Director Stephanie Blind presented the Library Job Classification that was reviewed by the Compensation Committee but not discussed at the December 3, 2014 Court meeting where other job classifications was discussed and considered. Library Director Camille Wood has made changes in the position and in the title. The former title was Youth Services Librarian and now is titled Library Assistant Director. This position took over the duties of retired Library employee Neva Caudle and LGPI did not take that into consideration when figuring the compensation.

Ms. Blind said the job came out as a Grade 10 at the Compensation committee meeting. Ms. Wood had brought additional information regarding the position, budget and job changes. This compensation change would bring the employee in this position from Grade 7 step 2 to Grade 10 Step 1. Ms. Wood assured the Court that there is more than enough money in the budget to cover the change. Discussion was held that the updated position probably qualifies as an exempt position. The position calls for overseeing the staff, being at a Master's Degree level and acting more as an Assistant Library Director.

The Library Board of Trustees is actively seeking this change. Board member Holly Hanes was in attendance to represent the Board. She thanked the Court for the ongoing support of the Library.

Judge McCabe thanked Ms. Hanes for her serving as a volunteer on the Library Board of Trustees. He said the Court and community is proud of the Library, and when the prices of gas went up, so many people came to use the library for social reasons.

Motion

Commissioner Fahlgren moved to accept the direction recommended by the Compensation Committee for this position, changing the position from Grade 7 Step 2 to Grade 10 Step 1. Commissioner Crawford seconded the motion. Brief discussion on this being more than a one-step increase was held. The vote was 3-0, motion carried.

Discussion for possible approval/Foreclosed property buy-back by Don Teigen

County Counsel Jeff Wilson presented information regarding an offer to purchase foreclosed property back. The property is a County owned foreclosed property previously owned by Don Teigen located at 129 NW 4th Street, Prineville. In 2014 it was deeded to the County. The property had gone through the

foreclosure process and through the two-year redemption period, but has not been through the public auction process. This allows the County to sell the property back to only the owner of record or contract purchaser of record if an agreement can be reached. The property has a Real Market Value (RMV) of \$8,000 and is assessed at \$77,122. Mr. Teigen offered to purchase for \$10,000. There are \$8,524 in unpaid taxes.

Commissioner Fahlgren listed the time and money involved in this foreclosure through the Treasurer's time, the legal research involved of several hours and interest since foreclosure.

Commissioner Crawford said he believed the Court should add those costs into the price. The Court is not here to take property but should get back all the costs.

Discussion was held on the interest, the foreclosure costs, the public auction procedure and possibly giving him one more chance. The Court discussed another case where the owner was given the chance to redeem the property for the taxes and costs. The circumstances were different because the owners had Stated they never received the tax statements that were sent to another address.

Judge McCabe said he did not want to counter offer and suggested letting the person come up with a better offer that was more realistic. Discussion was held on other suggestions to settle the matter with different amounts due on the property. Mr. Wilson said that Mr. Teigen didn't dispute the taxes. Judge McCabe said do not counter and have him come up with another figure.

Mr. Wilson said there is an issue of the property, personal and real. The issue will be addressed with the Department of State Lands. Mr. Wilson has told Mr. Teigen that if he does not get the real property back, he will have to remove his personal property out as soon as possible. Commissioner Crawford said he does not think the Court should charge an additional amount above the costs. Commissioner Fahlgren said he believes the Court should send the offer back. He said he has been in the building and there is a huge amount to clean up and clear out.

Motion

Commissioner Crawford made a motion to sit down with Counsel and get the costs associated with the foreclosure, provide that information to Mr. Teigen and recoup the losses but not make money. Commissioner Fahlgren asked what has been our history over the last 10 years. Judge McCabe said he felt bad for the owner but does not feel it would be right not to ask for more. The motion died for the lack of a second.

Mr. Wilson will go ahead and research the County's costs and bring that information to the Court at the next scheduled work session. Judge McCabe said this might set a precedent. The matter will be brought back before the Court on January 7th, 2015, the first Court session in January.

Consider for approval, Assessor's Office positions

County Assessor Brian Huber came before the Court to discuss advancement of two appraisers in the County Assessor's Office.

Jon Soliz has earned certification to place him as an Appraiser 3 from Appraiser 2. Linda Cross has earned certification to place her as an Appraiser 2 from an Appraiser 1.

Mr. Huber and the Court discussed the costs involved in training Appraisers, \$50,000 to \$80,000, and the good job of training done here in Crook County for county employees. Discussion was held regarding salaries in Deschutes County, and the compensation study results for the Assessor's Office bringing the County to a threshold of getting up to higher salaries. Mr. Huber said money for the increases in salaries is in the Assessor's Office budget. There will be no Appraiser 1's: all are 2 or higher. Mr. Huber explained the process and timeline of earning certifications for higher positions.

Motion

Commissioner Fahlgren moved to go with the recommendation and to raise one Appraiser to Appraiser 2 and one to Appraiser 3 as was presented. Commissioner Crawford seconded the motion. Judge McCabe restated the motion. The vote was 3-0, motion carried.

Addition

Mr. Wilson presented an offer to purchase four parcels of County owned foreclosed parcels. The parcels have been through the auction process and not purchased. The offer was from someone living in Florida. The properties range in value from \$5,770 to \$80,220. The proposed offers range from \$450 to \$570.

Motion

Commissioner Crawford moved to reject all offers. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

The Court wished everyone a Merry Christmas. The next meeting is scheduled for January 7, 2015.

There being no further matters before the Court to act on, Judge McCabe adjourned the meeting.

Respectfully submitted,

Colleen Ferguson

Crook County Court Secretary